

# **Exhibit K**

1 LACY H. (“Lance”) KOONCE, III (*admitted pro hac vice*)

2 GILI KAREV (Bar Number: 348774)

3 **KLARIS LAW**

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5 New York, NY 10014

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7 Email: [lance.koonce@klarislaw.com](mailto:lance.koonce@klarislaw.com)

8  
9 Attorneys for Defendants the Tolkien Estate Limited, The Tolkien Trust and Simon  
10 Tolkien.

11 **IN THE UNITED STATES DISTRICT COURT**

12 **THE CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

13 DEMETRIOUS

14 POLYCHRON

15 Plaintiff,

16 v.

17 JEFF BEZOS, an Individual, JENNIFER  
18 SALKE, An Individual, SIMON  
19 TOLKIEN, an Individual, PATRICK  
20 MCKAY, an Individual, JOHN D.  
21 PAYNE, an Individual, AMAZON  
22 STUDIOS LLC, a California Limited  
23 Liability Company, AMAZON  
24 CONTENT SERVICES, LLC, a Delaware  
25 Limited Liability Company, THE  
26 TOLKIEN ESTATE LIMITED, THE  
27 TOLKIEN TRUST, and DOES 1-100,

28 Defendants.

Case No. 2:23-cv-02831-SVW-E

**DECLARATION OF STEVEN  
MAIER IN SUPPORT OF  
DEFENDANTS’ MOTION FOR  
PREVAILING PARTY  
ATTORNEYS’ FEES**

**DECLARATION OF STEVEN MAIER**

I, Steven Maier, declare as follows:

1. I am a partner at Maier Blackburn LLP and long-time U.K. counsel for Defendants the Tolkien Estate Limited and the Tolkien Trust (collectively, with Simon Tolkien, the “Tolkien Defendants”). I submit this declaration in support of Defendants’ Motion for Prevailing Party Attorneys’ Fees against Plaintiff Demetrious Polychron, pursuant to 17 U.S.C. § 505 and F.R.Civ.P., Rule 54(d).

2. Maier Blackburn LLP is a commercial legal practice specializing in intellectual property, media law, litigation and dispute resolution based in Oxford, United Kingdom. It consists of myself and my partner, Cathleen Blackburn. Together we have many years of experience acting for high-profile clients, and Ms. Blackburn and I have represented the interests of the Tolkien Estate for over two decades.

3. As partners at Maier Blackburn LLP, and before that as partners at Manches LLP, we have engaged Lacy H. Koonce, III on various intellectual property and litigation matters relating to the Tolkien Estate since at least 2002 and have engaged his present firm Klaris Law PLLC since July 2021.

4. The work I performed in this case consisted of reviewing the Infringing Work against the works in Professor Tolkien’s canon; communicating with our clients and with Mr. Koonce about litigation strategy; and reviewing and providing feedback on drafts of pleadings filed by Mr. Koonce and his team.

5. I jointly oversee Maier Blackburn’s record-keeping and billing system. Our firm’s records show daily entries from each timekeeper with detailed descriptions of the work performed each day. I or my partner Cathleen Blackburn review the records on a quarterly basis prior to invoicing the client accordingly. If it appears that certain billed tasks took longer than was reasonable, we will use our discretion in reducing such time to ensure the client remains appropriately and reasonably billed for the work required.

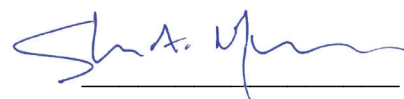
1           6. Maier Blackburn evaluates the billing rates charged by the firm's  
2 professionals on an annual basis and sets its rate after comparing with other  
3 comparable firm rates. For the calendar year 2023, I bill my time at the hourly rate  
4 of £480. I would note that these rates compare favourably with other UK commercial  
5 law firms with a similar level of expertise in these specialist areas. Based on my  
6 experience, I believe the fees and costs incurred by the Tolkien Defendants in this  
7 action are reasonable and appropriate, especially considering the efforts we took to  
8 avoid litigation in the first place.

9           7. True and correct copies of the time records of work conducted by Maier  
10 Blackburn LLP on behalf of the Tolkien Defendants in connection with this matter  
11 are attached hereto as **Exhibit 1**. We have redacted all entries for other matters,  
12 including entries relating to the case brought by the Tolkien Estate Limited and the  
13 Tolkien Trust against Mr. Polychron. We have also redacted a substantial number of  
14 entries for Ms. Blackburn related to this matter, and we are only seeking my fees  
15 related to this matter. Our fees total £8,532.00, which at the exchange rate of 1.25  
16 (as of September 6, 2023) totals **\$10,665.00**.

17           8. For the reasons set forth above and in the accompanying memorandum  
18 of law, I respectfully request that the Court grant this motion and award attorneys'  
19 fees and other costs set forth herein and grant further relief as this Court may deem  
20 appropriate.

21  
22 I declare under penalty of perjury under the laws of the United States that the  
23 foregoing is true and correct.

24 Executed this 7th day of September, 2023 in Oxford, United Kingdom.

25  
26 

27 Steven Maier  
28

**EXHIBIT 1**

Time Schedule: 04/03/2023 to 06/09/2023 - JRR0010008 - - General Litigation						
Date	Fee Earner	Activity	Notes	Time	Hourly Rate	Charge
4/16/2023	Steven Maier	Reviewing	Court filings by D. Polychron	1:12	480	576.00
4/16/2023	Steven Maier	Email	C. Blackburn and L. Koonce re Polychron court filings	0:24	480	192.00
4/16/2023	Steven Maier	Meeting	Zoom with L. Koonce, Gili K and C. Blackburn re strategy in response to Polychron complaint	0:36	480	288.00
4/16/2023	Steven Maier	Email	to Hugo Adair Amazon regarding new lawsuit	0:36	480	288.00
4/16/2023	Steven Maier	Email	to Directors regarding filing of lawsuit by D. Polychron	0:24	480	192.00
4/16/2023	Steven Maier	Email	to David Brawn at HarperCollins regarding filing of lawsuit by D. Polychron	0:24	480	192.00
4/16/2023	Steven Maier	Email	exchanges L. Koonce regarding strategy for addressing complaint from Polychron	0:18	480	144.00
4/17/2023	Steven Maier	Email	to L Koonce regarding Rule 11 and whether Polychron counsel aware of prior correspondence	0:12	480	96.00
4/17/2023	Steven Maier	Email	to Hugo Adair at Amazon regarding next steps after Polychron filing	0:12	480	96.00
4/18/2023	Steven Maier	Email	to Directors providing update on status of litigation and coordination with Amazon	0:12	480	96.00
4/18/2023	Steven Maier	Reviewing	materials from LK and email regarding call with Amazon, role of Polychron's counsel	0:18	480	144.00
4/18/2023	Steven Maier	Meeting	Zoom with L. Koonce, DWT, Amazon regarding coordinating strategy in defending Polychron litigation	0:48	480	384.00
4/18/2023	Steven Maier	Email	note to Directors following call with Klaris Law and Amazon	0:42	480	336.00
4/19/2023	Steven Maier	Reviewing	L Koonce email regarding draft email to counsel for Polychron demanding withdrawal of claims	0:12	480	96.00
4/19/2023	Steven Maier	Email	to L Koonce with comments to draft email to counsel for Polychron	0:24	480	192.00
4/20/2023	Steven Maier	Email	from/to L Koonce re coordinating with Amazon on emails to counsel for Polychron seeking withdrawal of claims	0:24	480	192.00
4/21/2023	Steven Maier	Email	from/to L Koonce discussing various options for addressing Polychron's lawsuit	0:24	480	192.00
4/26/2023	Steven Maier	Email	to Directors re Polychron update	0:42	480	336.00
4/26/2023	Steven Maier	Telephone call	with L Koonce re status of Polychron litigation, and strategy	0:24	480	192.00
5/1/2023	Steven Maier	Email	to Directors re Polychron update in light of letter from his counsel	0:42	480	336.00
5/1/2023	Steven Maier	Email	to L Koonce regarding letter from Polychron's counsel rejecting demand to withdraw claims	0:18	480	144.00
5/1/2023	Steven Maier	Reviewing	email from L Koonce regarding service of process issues	0:18	480	144.00
5/3/2023	Steven Maier	Email	from/to L Koonce re potential waiver of service	0:06	480	48.00
6/23/2023	Steven Maier	Email	from/to LK and review Amazon term sheet re Amazon copyright interest	0:24	480	192.00
6/24/2023	Steven Maier	Reviewing	L Koonce email re Polychron meet-and-confer conference on motion to dismiss	0:18	480	144.00
7/6/2023	Steven Maier	Reviewing	L Koonce update re Polychron litigation, including planned filing of amended complaint	0:24	480	192.00
7/12/2023	Steven Maier	Reviewing	email and amended complaint from L Koonce re Polychron	0:24	480	192.00

7/14/2023	Steven Maier	Reviewing	email from L Koonce re progress on motion to dismiss	0:18	480	144.00
7/19/2023	Steven Maier	Meeting	Zoom with L Koonce and G Karev regarding case status and strategy as to amended pleading and motion to dismiss	0:54	480	432.00
7/19/2023	Steven Maier	Reviewing	amended complaint (cont'd)	0:24	480	192.00
7/20/2023	Steven Maier	Reviewing	Polychron MTD and email L Koonce regarding comments as to same	1:24	480	672.00
7/27/2023	Steven Maier	Reviewing	Multiple filings in connection with motion to dismiss	0:42	480	336.00
7/27/2023	Steven Maier	Email	to Directors re Polychron with update on motion to dismiss	0:48	480	384.00
8/8/2023	Steven Maier	Email	from/to LK re Polychron opposition to motion to dismiss	0:18	480	144.00
8/13/2023	Steven Maier	Reviewing	Reply memorandum in support of motion to dismiss and emails from/to L Koonce re same	0:30	480	240.00
8/14/2023	Steven Maier	Reviewing	final draft of reply papers	0:24	480	192.00

£8,532.00

Exchange Rate 1.25

\$10,665.00